

Decision 02-10-009 October 3, 2002

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation on the  
Commission's Own Motion to Implement the  
Biennial Resource Plan Update Following the  
California Energy Commission's Seventh  
Electricity Report.

Investigation 89-07-004  
(Filed July 6, 1989)

**OPINION MODIFYING DECISION 97-05-021 REGARDING THE FORUM  
FOR CERTAIN PERIODIC FILINGS AND CLOSING THIS PROCEEDING**

**I. Summary**

This decision modifies Decision (D.) 97-05-021 regarding the forum within the Commission for the utilities to make certain periodic filings. This decision also closes this investigation.

**II. Background**

**A. General Aspects of the Update**

According to the Order Instituting Investigation which initiated this Biennial Resource Plan Update (Update) proceeding, a major purpose of the Update is to quantify the megawatts that qualifying facilities (QFs) can fill on the basis of each utility's long-run marginal costs, as revealed by the utility's current resource plan. The Update is also the forum for updating certain components of QF payments that affect Standard Offers 1, 2, and 3, and for considering changes in methodology or contract terms for our standard offers.

The Commission has terminated Pacific Gas and Electric Company's (PG&E), San Diego Gas & Electric Company's (SDG&E), and Southern California Edison Company's (Edison) 1993 Update solicitations.<sup>1</sup> The decisions terminating the utilities' update solicitations also cancelled the limited rehearing ordered in D.94-12-051.<sup>2</sup> In light of this determination, all applications for rehearing of D.94-12-051 are dismissed as moot. All other aspects of this investigation, other than the filing requirements addressed below, have either been resolved or superceded by other Commission proceedings.

## **B. Reporting Requirements**

In anticipation of closing this proceeding, the Assigned Administrative Law Judge (ALJ) issued a ruling addressing the need to find an alternative place for the utilities to make the periodic filings that the Commission has directed the utilities to make in this investigation. The ruling set forth the following three periodic filings: (a) the monthly report on short run avoided cost energy pricing (avoided cost postings); (b) the cogeneration and small power production semi-annual report (cogeneration report); and (c) the negative avoided cost and hydro spill condition report (hydro spill report).

The ruling proposed modifying D.97-05-021 so that the utilities would make the avoided cost postings by advice letter, and that the service list for the postings should be the service list in Rulemaking (R.) 99-11-022, the proceeding dealing with short run avoided cost pricing and implementing Pub. Util. Code

---

<sup>1</sup> See D.00-12-059 (PG&E), D.02-04-019 (SDG&E), and D.98-12-072 (Edison).

<sup>2</sup> See D.00-12-059, Ordering Paragraph (O.P.) 3 (PG&E), D.02-04-019, O.P. 2 (SDG&E), and D.98-12-072, O.P. 3 (Edison).

§ 390.<sup>3</sup> The ruling did not offer an alternative forum for filing the other two reports since it appeared the utilities had not recently filed those documents in this investigation.

PG&E, SDG&E, and Edison filed comments and replies to the ALJ ruling. All three utilities opposed filing the avoided cost postings by advice letter, mainly because the effective date of the postings could be delayed because of the Commission's procedures for processing advice letters. Rather, the utilities recommend that the avoided cost postings be filed in R.99-11-022, under the protest procedures currently in place, and with more relaxed service requirements.<sup>4</sup> The utilities explain that they still submit the cogeneration report semi-annually by letter to the Commission, but that it is not filed in this docket. No utility has recently filed the hydro spill report because there have not been hydro spills.

### **III. Discussion**

#### **A. Monthly Reports on Short Run Avoided Cost Energy Pricing**

We modify D.97-05-021 to require that the utilities file their monthly avoided cost postings in R.99-11-022, commencing with the first filing after the effective date of this decision. The procedures for service and protest shall remain the same, except that any party to R.99-11-022 that wishes to be served with a hard copy of the avoided cost postings shall notify the respective utilities within 15 days of the effective date of this decision, and the utilities shall also place this party on their avoided cost postings service list. The utilities can

---

<sup>3</sup> A copy of the ALJ ruling was also served on the service list of R.99-11-022.

<sup>4</sup> This includes a limited hard copy service list, as well as monthly postings on the utilities' web sites.

substitute hard copy service of the persons currently receiving service with electronic service upon the written request of the person being served, but shall still file hard copies of this report with the Commission.

#### **B. Cogeneration and Small Power Production Semi-Annual Report**

Edison explains that Edison files its cogeneration reports semi-annually in the form of a letter to the Commission, as well as electronically to the Commission's Office of Ratepayer Advocates and Energy Division. The letter is not served on any service list, probably because the reporting requirement originated with Resolution E-1738, and not in this docket. PG&E and SDG&E also follow this practice, with PG&E making the report available on its web site. It is not necessary for us to make any changes to the existing procedure for filing the cogeneration report in order to close this investigation. However, because the cogeneration report is not served on any service list, we impose the additional requirement on the utilities to post this report on their external web sites, consistent with the practice PG&E currently employs.

#### **C. Negative Avoided Cost and Hydro Spill Report**

The utilities state that they have not filed the hydro spill report recently because there has not been a hydro spill. We modify D.97-05-021 so that the utilities shall file such a report, if necessary, with the Commission consistent with the procedures adopted for their filing the cogeneration report, including posting this report on their web sites.

#### **IV. Comments to the Draft Decision**

The draft decision of ALJ Econome in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7. SDG&E filed timely comments to the draft decision. We make no changes to the draft decision.

## **V. Assignment of Proceeding**

Henry Duque is the Assigned Commissioner and Janet Econome is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. It is necessary to direct alternative forums for filing certain periodic reports in order to close this proceeding.

2. All aspects of this proceeding, other than finding alternative filing forums for certain periodic reports, have either been resolved or superceded by other Commission proceedings.

### **Conclusions of Law**

1. D.97-05-021 is modified so that the utilities shall file their monthly reports on short run avoided cost energy pricing in R.99-11-022, commencing with the first filing after the effective date of this decision.

2. The procedures for service and protest of the monthly reports on short run avoided cost energy pricing shall remain the same, except that any party to R.99-11-022 that wishes to be served with a hard copy of the avoided cost postings shall notify the respective utilities within 15 days of the effective date of this decision, and the utilities shall also place this party on their avoided cost postings service list. The utilities can substitute hard copy service of the persons currently receiving service with electronic service upon the written request of the person being served, but shall still file hard copies of this report with the Commission.

3. The utilities shall post the cogeneration and small power production semi-annual report on their external web sites.

4. D.97-05-021 is modified to require the utilities to file and serve the negative avoided cost and hydro spill report in the same manner as the utilities file and serve the cogeneration and small power production semi-annual report.

5. All applications for rehearing of D.94-12-051 should be dismissed as moot.

6. Because we wish to close proceedings in a timely manner, this order should be effective immediately.

## **O R D E R**

### **IT IS ORDERED** that:

1. Decision (D.) 97-05-021 is modified as follows. Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall:

- (a) file their monthly reports on short run avoided cost energy pricing in Rulemaking (R.) 99-11-022, commencing with the first filing after the effective date of this decision, consistent with the procedures set forth in this decision; and
- (b) file and serve the negative avoided cost and hydro spill report in the same manner as the utilities file and serve the cogeneration and small power production semi-annual report.

2. Any party to R.99-11-022 that wishes to be served with a hard copy of the monthly reports on short run avoided cost energy pricing shall notify the respective utilities within 15 days of the effective date of this decision, and the utilities shall also place this party on their avoided cost postings service list.

3. All applications for rehearing of D.94-12-051 are dismissed as moot.

4. A copy of this decision shall also be served on the service list of R.99-11-022.

5. This proceeding is closed.

This order is effective today.

Dated October 3, 2002, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

CARL W. WOOD

GEOFFREY F. BROWN

MICHAEL R. PEEVEY

Commissioners